

August Term, 1972

STATE OF WISCONSIN

IN SUPREME COURT

In the matter of the Creation of a Rule for Registration of
GROUP LEGAL SERVICES

Upon the petition of the State Bar of Wisconsin requesting this court to adopt a rule clarifying the rights and duties of attorneys involved in any form of group legal service arrangements and to require the registration of all such persons, a hearing was had and consideration given; and the court believing a rule should be created governing such matters, now therefore,

IT IS ORDERED that effective on publication of this order the rule known as section 256.294 of the statutes is created as follows:

"256.294 GROUP LEGAL SERVICES (1) The furnishing of legal services by a member of the State Bar pursuant to an arrangement for the provision of such services to the individual member of a group, as herein defined, at the request of such group, is not of itself in violation of the Rule of Professional Responsibility prohibiting solicitation and like activities if the arrangement:

- (a) permits any member of the group to obtain legal services independently of the arrangement from any attorney of his choice, and
- (b) is so administered and operated as to prevent all of the following:
 - 1. Such group, its agents or any member thereof from interfering with or controlling the performance of the duties of such member of the State Bar to his client; and,

2. Such group, its agents or any member thereof from directly or indirectly deriving a profit from or receiving any part of the consideration paid to the member of the State Bar for the rendering of legal services thereunder; and,
 3. All publicity and solicitation activities concerning the arrangement except by means of simple, dignified announcements setting forth the purposes and activities of the group, or the nature and extent of the legal services, or both.
- (2) Nothing in this section shall prohibit a statement in response to individual inquires as to the identity of the member or members of the State Bar rendering or to render the services, giving the name or names, addresses and telephone numbers of such member or members.
 - (3) As used in this section, a "group" means a professional association, trade association, labor union or other non-profit organization, or combination of persons incorporated or otherwise whose primary purposes and activities are other than the rendering of legal services, and shall include groups furnishing legal services to indigent individuals on other than a fee basis.
 - (4) A member of the State Bar furnishing legal services pursuant to an arrangement shall advise the State Bar thereof within sixty days after entering into the same. Thereafter he shall register with and advise the State Bar, on forms provided by it, and within thirty days of receipt of such forms, of the following matters: the name of the group, its address, whether it is incorporated, its primary purposes and activities, the number of its members and a general description of the types of the legal services offered pursuant to the ar-

rangement. He shall annex to and include any fee schedule. Annually, on or before January 31, he shall report to the State Bar, on forms provided by it, the number of members in the group to whom legal services were rendered during the calendar year, and amendments to the plan, including changes in the fee schedule, during such preceding year.

All information filed pursuant hereto, except the name and address of the group, the fact that it has an arrangement for the provision of legal services and the names of members of the State Bar providing such services, shall be confidential; providing such registrations and reports shall be available to appropriate representatives of the supreme court and the State Bar for information purposes and for disciplinary and ethical investigations or proceedings.

- (5) Failure to make and file a timely registration or report as to a group arrangement as required herein shall constitute unprofessional conduct and grounds for disciplinary action."

IT IS FURTHER ORDERED that notice of the adoption and promulgation of this rule be given by publication of this order in the official state paper and in the Wisconsin Bar Bulletin.

Dated at Madison, Wisconsin, this 29th day of November, 1972.

By the Court:

/s/ ARDIS KIRKPATRICK
Ardis Kirkpatrick
Deputy Clerk of Court

